--IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 15386 of 1994

Between:

1. Kukkala Raghavamma w/o. Kukkala Laxmana,
   resident of Madaka village, Pedana Mandal, Krishna District.
2. Seelam Venkatesaramma W/o. S. Rama Rao
   resident of Madaka village, Pedana Mandal, Krishna District.
3. Seelam Bullemma w/o. Seelam Laxmaiah
   resident of Madaka village, Pedana Mandal, Krishna District.
4. Maddela Ganga W/o. Durga Rao
   resident of Madaka village, Pedana Mandal, Krishna District.
5. Maddela Chandramma w/o. Krishna
   resident of Madaka village, Pedana Mandal, Krishna District.
6. Seelam Gopamma w/o. Prakasa Rao
   resident of Madaka village, Pedana Mandal, Krishna District.
7. Maddela Shakuntala W/o. Nageswara Rao
   resident of Madaka village, Pedana Mandal, Krishna District.
8. Maddela Pandu s/o. Ganga Raju
   resident of Madaka village, Pedana Mandal, Krishna District.
9. P. Saraswathi w/o. Naga bhushanam
   resident of Madaka village, Pedana Mandal, Krishna District.
10. Poyena Kumari w/o. Naga Raju
    resident of Madaka village, Pedana Mandal, Krishna District.
11. Srikakulapu Rangamma w/o. Subba Rao
    resident of Madaka village, Pedana Mandal, Krishna District.
12. Bokka Pushpavathi w/o. Venkateswarlu
    resident of Madaka village, Pedana Mandal, Krishna District.
13. V. Lakshmi w/o. SubbaRao
    resident of Madaka village, Pedana Mandal, Krishna District.

...
PETITIONERS

AND

1. The District Collector, Krishna District at Machilipatnam.

2. The Revenue Divisional Officer, Bandar Division, Bandar, Krishna
District.
3. The Mandal Revenue Officer, Pedana Mandal, Pedana, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in evicting the petitioners from the house plots covered by an extent of 23 cents each covered by R.S.No.142-2B1 to 2B14 of Madaka village, Pedana Mandal, Krishna District which were allotted by the 3rd respondent by his order in R.C.A.No.282/87, dated 19-1-1988 as null and void and unconstitutional and direct the respondents not to evict the petitioners from the above house sites and grant pattas in favour of the petitioners.

For the Petitioner: MR.G.KRISHNA MURTHY, ADVOCATE.

For the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition has been filed seeking writ of mandamus questioning the action of the respondents in evicting the petitioners from the house plots covered by an extent of 23 cents each covered by R.S.Nos.142-2B1 to 2B14 of Madaka village, Pedana Mandal, Krishna District which were allotted by the third respondent through his order in R.C.A.No.282/87, dated 19-01-1998 as null, void and unconstitutional and direct the respondents not to evict the petitioners from the above house sites and grant pattas in their favour.

It is stated by the petitioners in the affidavit filed in support of this writ petition that on their representation, the second respondent through his letter R.C.C.No.1778/B/75, dated 20-08-1987 instructed the third respondent for allotment of lands to the petitioners and third respondent vide his orders in R.C.A.No.282/87, dated 19-01-1998 allotted the lands in question to the petitioners and since then they have been in possession and enjoyment of the same by raising huts. While so, in the month of July, 1994, the respondents,

without giving any notice, asked the petitioners to vacate the lands without following due process of law. The representation made by the petitioners to the second respondent went in vain. Aggrieved by the said action of the respondents, the petitioners filed this writ petition.

Heard the learned counsel for the writ petitioners and the learned Government Pleader for Revenue.

The learned counsel for the writ petitioners submits that the petitioners have been allotted excess land by the Government under Land Acquisition Act which originally belong to one Kavuri Venkata Krishna Rao, who surrendered the land to the Government as a surplus land under the provisions of A.P.Land Reforms (Ceiling on Agricultural Land) Act of 1973, and the same are in possession and enjoyment by the petitioners. But for the reasons best known to the respondents, they are trying to evict them without following due process of law.

In these circumstances, without going into the merits of the case, it would suffice in the interest of justice to dispose of the writ petition with a direction to the respondents not to dispossess the petititioners without following due process of law, if the petitioners are still in possession of lands in question.

With the above observation, the writ petition is allowed.

No costs.

_____

24-06-2004.

Lrkm/Dvs.

Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

24th day of June, 2004.

Asst.

REGISTRAR .

To

1. The District Collector, Krishna District at Machilipatnam.
2. The Revenue Divisional Officer, Bandar Division, Bandar, Krishna
   District.
3. The Mandal Revenue Officer, Pedana Mandal, Pedana, Krishna
   District.
4. 2 CCs to the Government Pleader for Revenue, High Court Bldgs,
   Hyderabad (O.U.T
5. 2 CD copies.